

# TOWN OF NEW WINDSOR

## ZONING BOARD OF APPEALS

REGULAR SESSION

DECEMBER 11, 2006

### AGENDA

7:30 p.m. – Roll Call

Motion to accept minutes of the October 23, 2006 & November 13, 2006 meetings as written.

#### PRELIMINARY MEETINGS:

1. **SCHOONMAKER HOMES (for Crisostomo) (06-60)** Request for Use Variance to permit a two-family dwelling in an NC Zone and any additional bulk variances the Board deems necessary at 29 Ledyard Street **(14-1-22)**

#### PUBLIC HEARINGS:

2. **KAREN JEFFERS (06-57)** Request for 6 ft. Side Yard Setback and, 20.5 ft Total Side Yard Setback and; 15.5 ft. Rear Yard Setback for proposed addition to single family home at 33 Merline Avenue in an R-4 Zone **(13-12-17)**
3. **DENISE STRALEY – VINYL TECH. (for Ailee Solomon Vilda) (06-58)** Request for 7 ft. Rear Yard Setback for proposed 13' X 11' attached sun room at 2202 Reverses Run in an R-3 Zone **(77-4-6)**
4. **LANDMASTER HARP, LLC (Covington Estates) (06-56)** Request for:

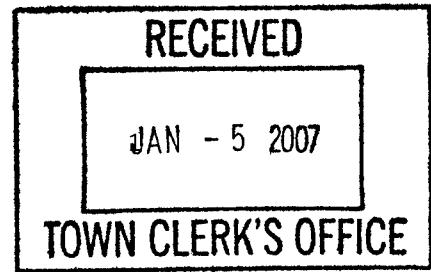
Dwelling Units:     10 ft. Side Yard Setback  
                             10 ft. Rear Yard Setback  
                             8.5 ft. Maximum Building Height

Sign:                    2.5 sq. ft. Height  
                             136.75 sq. ft. area

All at proposed Covington Est. on Rt. 300 (Temple Hill Rd) in an **R-5 Zone**  
**(65-2-1.1,1.2 & 1.3)**

5. **ROSEMARY QUERCIA (06-59)** Request for an Interpretation and/or Use Variance for a single family home with two kitchens at 758 Blooming Grove Tpk. in an R-4 Zone **(49-5-15)**
6. **Adopt Meeting Schedule for 2007.**

December 11, 2006



TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

DECEMBER 11, 2006

MEMBERS PRESENT: KIMBERLY GANN, ACTING CHAIRPERSON  
KATHLEEN LOCEY  
ERIC LUNDSTROM  
PAT TORPEY

ALSO PRESENT: MICHAEL BABCOCK  
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.  
ZONING BOARD ATTORNEY

MYRA MASON  
ZONING BOARD SECRETARY

ABSENT: MICHAEL KANE, CHAIRMAN

REGULAR MEETING

MS. GANN: I'd like to call to order the December 11,  
2006 meeting of the New Windsor Zoning Board of  
Appeals.

APPROVAL OF MINUTES DATED OCTOBER 23, 2006 & NOVEMBER  
13, 2006

MS. GANN: Motion to accept the minutes of October 23,  
2006 and November 13, 2006 meetings as written.

December 11, 2006

2

MR. LUNDSTROM: So moved.

MR. TORPEY: I'll second it.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MS. GANN	AYE

MS. GANN: Good evening everyone, welcome to the Zoning Board of Appeals. The first line of business is our preliminary meetings where you come up, you tell us what your name is and your address loud enough for this young lady over here to hear you and you tell us why you're here this evening. After you go through the preliminary meetings, we'll then go down to the public meetings where you'll be able to come up and again tell us why you're here and there may be folks out in the audience that have something to say for or against what you're looking to do. So we'll actually hear from members of the audience as well.

PRELIMINARY\_MEETINGS:

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SCHOONMAKER\_HOMES\_(FOR\_CRISOSTOMO)\_(06-60)

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MS. GANN: So what I'd like to do is call the first meeting, Schoonmaker Homes, are you here this evening?

MR. CASESA: Yes, good evening, Jerry Casesa, I'm with Schoonmaker Homes located 2675 Route 17K in Newburgh. I'm here for our clients, Mario Crisostomo who owns a piece of property which is 29 Ledyard Street, 14-1-22, it's a vacant lot on Ledyard Street off 9W in the Town of Newburgh, I'm sorry, in the Town of New Windsor. It's close to the Newburgh right off 9W. This property is in the NC zone which is neighborhood commercial zone and what we propose to do is to build a two family home on this vacant lot. I have pictures to show the board if you'd like.

MS. GANN: If they're different than what we have here we already have these, you guys have them?

MR. CASESA: Currently, the zoning is for commercial use, office space, it's kind of an overlay district, I assume, because the remaining properties surrounding this property are all residential multi-family homes. Even the ones that border Route 9W are limited as far as use for commercial space. This is right before the Pool Table Plus, if everybody knows where that is on 9W as you come down Ledyard is a right-hand turn, the lot is on the left, two lots in as we see it from the map we had. We're looking to the zoning board for two variances, one is a use variance departing from the commercial zoning to a multi-family residential zoning and the second one is an area variance. The NC zones indicate that we need 10,000 square feet to be a building lot but I want to give you something else here, this is the tax maps showing our lot at 6,597 square feet and you can see that all the other lots in the area obviously were pre-existing and they are much

smaller ranging from about less than 3,700 square feet up to the largest one that borders two lots to the right at 5,800 square feet so this is the lot here at 6,597 square feet that lot, once we build a two-family home that Mr. Crisostomo will occupy the main level and rent out the lower level to offset some of the costs of the mortgage, taxes and insurance. We'll very well fit on that lot comfortably and also give us additional four parking spaces off street right in front of the unit. So we feel that the application is substantially consistent with the neighborhood and would not create a detriment in any respect to the neighborhood because we feel it would fit in quite nicely.

MS. GANN: So looking at the pictures here looks as though it's a vacant lot, is that correct?

MR. CASESA: It is.

MS. GANN: I'm going to be asking you some questions, may sound a little odd, but we need to do that legally to get everything on record. Will you be taking any substantial vegetation down in the building of the home?

MR. CASESA: No.

MS. GANN: Does this go over any easements?

MR. CASESA: Not that I'm aware of. I can look into it.

MS. GANN: Will this create any water hazards once the home is built?

MR. CASESA: No, it will not.

MR. KRIEGER: You should be aware that in seeking a use variance, the state has made it extremely difficult, it has nothing to do with anybody here in this town, it's

the requirements of the state. They have made it extremely difficult to get a use variance. Even when the application how should I say the merits of the application are obvious and valid they still made it extremely difficult. Usually applicants for, often applicants for use variances have sought the assistance of knowledgeable counsel because of that difficulty that's involved. Not true, that's not true with area variances but it is true with use variances. There are certain criteria as I say that the laws set forth, the state laws set forth that have to be met that are not true of area variances. And while if the board, assuming that the board takes a vote to allow you to proceed, you should understand that it doesn't obligate, it simply allows you to proceed, it doesn't obligate you to do anything to proceed as far as that's concerned. You may not, so if you reconsider in considering the cost of getting counsel and so forth you decide that you don't want to proceed with it, you should be aware of the fact that you're not obligated to do so. As I say, these are criteria and standards that have been basically forced upon local municipalities such as this by the state who actually some time ago they tried to do away with use variances altogether but and they came up with this compromise but in so doing as I say they have set forth criteria that make it extremely difficult, not impossible but difficult to obtain a use variance so it's not something that is easily done as I say, it's something that you may seek the assistance of competent counsel in this area in terms of what you have to know, what you have to meet because failure to do so would mean that the application would have to fail and that's a lot of time and trouble to go through for nothing. And considering that we have, we're just beginning the winter season so you have a period of time before the weather for building, reasonable weather for building you have time to consider this so these are what I mention are cautionary notes, they are not intended to, please don't take them as an attempt to say well, don't

bring this application, I mean, those are decisions that are up to you to make and if you want to bring an application, you're certainly entitled to do so. I just want to give you fair warning of what's required because I don't want you to be lulled into a false sense of security and not be prepared to go forward and as I say, the state law has increased requirements and including and what some people are, have found the most onerous requirement is that a requirement that any applicant for a use variance show that the property cannot realize a reasonable return as it is presently zoned, it doesn't mean a profit, it means a reasonable return is basically anything and so there are ways that that test has been met in the past so as I say, I don't want to indicate that it is impossible but I don't want you to come in and get surprised by those questions. So as I say, that's merely a cautionary note and give you a framework within which to operate so that you're knowledgeable.

MR. CASESA: Duly noted. I have a question on the onerous regulations put in place, when was that enacted, is that something that's recent?

MR. KRIEGER: No, not recent in terms of within a year, frankly, I don't recall, it's been three, four years something at least so it's not new as in simply months ago, it is, however, I suppose I always hesitate in answering new questions because the law doesn't move very quickly in some areas so what seems like new in that context wouldn't be characterized as new by anybody else, any other facet of life. I don't know what to tell you but it's not, and it's more than a year old.

MR. CASESA: So based on preliminary application putting in the application where we feel we're in conformance the additional requirements would be to show a financial hardship or at least--

MR. KRIEGER: It's more than a financial hardship, you have to show that the property cannot return a reasonable return, those are the words of the statute for any use permitted in the zone, it means that you have to go through all of them and say well, I can't, it can't be used and it has to be for that use or for realistic or economic reasons. And the state law puts the burden of proof on the applicant. So you really have to be forewarned. Now there are people who have met that in the past by having an appraiser testify, sometimes the size of property precludes at least some of the allowed uses, I don't know whether that's the case here or not but it basically requires that you have to go through all the allowed uses and one by one tick them off. There are as I say there are other criteria, that's simply the one that's found to be the most outstanding, most difficult by some applicants. That having been said, it is, and you should note that there have been successful applications in front of this board over the last few years since the statutes for use relief so it's not impossible and it is particularly likely that an application which how should I say commends itself on its merits, it doesn't, that meritorious application alone doesn't necessarily fulfill the criteria but it certainly is going to result in a favorable view by members of the board.

MR. LUNDSTROM: Madam Chairwoman, if I may interrupt with that explanation as to what's needed to go forward, do you as a representative of the applicant feel that you'd like to move forward and proceed to the next step which would be a public hearing on it and would you be prepared to come back at that public hearing with the necessary legal counsel and other opinions that would be needed to carry this forward?

MR. CASESA: I would say yes pending a conference with my client but I believe so.

MR. KRIEGER: Understand this the mechanics of the way



this works is once if the board votes to allow you to go to the public hearing, set you up for a public hearing as they say, when the public hearing is held you will be given a list of instructions by the secretary. When the public hearing is held, it is dependent on you, there are certain things you have to do so it doesn't lock you into being ready in two weeks or being ready in a month, if you're not ready you're not ready the ball's in your court as far as that's concerned.

MR. CASESA: Then I would be prepared to proceed with ample time to prepare.

MR. KRIEGER: In answering that prepare to proceed question bear in mind that if you need more time between now and then you're in control, you can do that.

MR. CASESA: Okay, fair enough.

MR. LUNDSTROM: With that in mind, I will offer a motion that we allow this application to proceed to a public hearing.

MR. BABCOCK: Can I just have one thing to say? The applicant is using the requirement of 10,000 square foot that's in an NC zone, that has nothing to do with single family or two-family house, that's what's required, one of the requirements in an NC zone today to build a house in New Windsor you need at least minimum of 43,530 or whatever to build a two family, I think you need 120,000 square feet not 10,000 square feet so I don't know how, I think Andy you can't use the requirements for an NC zone to put a house in an NC zone.

MR. KRIEGER: Yeah, because a house is not an allowed use in that zone, there's no footage requirement, you know, it could be--

MR. BABCOCK: It's not listed.

MR. KRIEGER: You have to make an application regardless whether it's 100,000 square feet or zero square feet, you would have to make the application that's what you would have to sell. If you're talking about limiting the size of the house to be consistent with those other houses in the neighborhood which may obviously have predated the current zoning requirements that's your application. But understand you're not automatically allowed I think the, if my understanding is correct, this is the tenor of Mr. Babcock's comment, you're not automatically allowed anything, you're going to have to make the case that that is, you know, what you propose to do is appropriate and valuable for that area, whether it's zero or 100,000 square feet, doesn't matter, you're not automatically allowed anything.

MR. BABCOCK: So I think in my mind you wouldn't be asking for an area variance from a relief of what a commercial zone would be.

MR. KRIEGER: That's correct.

MR. BABCOCK: Probably you should have a layout of a house that's going to fit on this lot and if you're successful in getting a variance this would be part.

MR. KRIEGER: Use variance for this house type of thing.

MR. BABCOCK: Use variance for this house in this area ten feet off the property line, 20 feet off the property line, whatever the numbers are and what size the house is.

MR. CASESA: I understand.

MR. KRIEGER: Good news and bad news, the bad news is

you don't get anything automatically, the good thing is you get to write your own and it's all part of the use sale package.

MR. BABCOCK: And you should be saying that you're setting the house back 40 feet because all the houses in that neighborhood are back 40 feet.

MR. KRIEGER: Not because it's required.

MR. CASESA: I understand.

MR. BABCOCK: You're 20 feet off the property line because it's consistent with the neighborhood.

MR. LUNDSTROM: And that's something that I think your counsel could advise you and guide you in the direction.

MR. KRIEGER: Again, the only cautionary note you realize in terms of your application because you're going to be coming in and applying for a use variance to allow this house, these dimensions, those are the dimensions that you're stuck with. So if you go back later and you're on the site and you say well, I want to make it six inches, I want to move it six inches or I want to make it a square foot bigger tough muffins, that's a legal principle, the principle of tough muffins, yes, so you make sure when you're planning your application that you plan to allow for what you want.

MR. CASESA: What I want and what I need.

MR. BABCOCK: So you should be prepared to have something like that when you come back.

MS. GANN: Any other questions?

MR. CASESA: No, I don't. John Steinberg with

Schoonmaker Homes.

MR. STEINBERG: I just have a quick question.

MR. LUNDSTROM: Would you identify yourself?

MR. STEINBERG: My name is John Steinberg with Schoonmaker Homes. In going over the application it was hard for me to assess how the board would weigh the economics involved where it's very easy to quantify, you can make something that makes money or not but it struck me that really the uses in the neighborhood were primarily residential.

MR. KRIEGER: You may well have an application, you may well have an application that commends itself on its merits for the reasons that you specified but the state has given the zoning board criteria that don't, that need to be applied and followed regardless of how meritorious an application is on its facts. Certainly its appropriateness for a particular neighborhood is a persuasive factor and should be presented but it doesn't alone carry the day. You don't want to put the board in a position where they say well, you know, they're all, each member says I'm all for it but the law requires that we vote against it because you haven't dotted Is and crossed Ts.

MR. STEINBERG: We haven't answered all the questions.

MR. KRIEGER: Yes, see in many cases, the zoning here and this is I think one of the reasons that the town's contemplating redoing its master plan, the zoning here is in particular which is the reason for this board in particular instances is arguably inappropriate in certain individual cases and deserving of a variance consideration where you're dealing with an individual lot or single lot, you know, not something that commends itself to necessarily an entire area being rezoned but a particular piece of property is how shall

I say sort of left behind in the march of time and considering that is one of the reasons for the existence of this board but it has to operate under rules given to it by the recommending legislature in Albany and regardless of whether they think it's meritorious and should be applied or not.

MR. CASESA: I think given Mr. Babcock's comment about the 80,000 square feet that would encompass Columbus Street, Ledyard Avenue, 9W to the next intersection this whole city block is probably not that big.

MR. KRIEGER: There's no requirement, when they talk about what's allowed in New Windsor now for a single family house because you're dealing with a use variance situation, there's no requirement, those are guideline numbers but they may not be appropriate. What you've got to come in and say is I want to put this structure on this property because it's, this is what's appropriate for this area, not because this is what's appropriate for some other area.

MR. CASESA: I understand.

MR. LUNDSTROM: If that be correct, I'd like to re-make that same motion again to allow it to proceed.

MS. LOCEY: I'll second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MS. GANN	AYE

PUBLIC\_HEARINGS:

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KAREN\_JEFFERS\_(06-57)

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MS. GANN: Request for 6 ft. side yard setback and 20.5 ft. total side yard setback and 15.5 foot rear yard setback for proposed addition to single family home at 33 Merline Avenue. I'd looks to know if anyone is here for this public hearing? Raise your hand.

Mr. Ormiston Gumbs appeared before the board for this proposal.

MR. GUMBS: Good evening, my name is Armiston Gumbs here for Karen Jeffers.

MR. LUNDSTROM: Your relationship to the applicant?

MR. GUMBS: I'm the contractor and her brother.

MR. KRIEGER: That's Miss Jeffers here, right?

MR. CASESA: Yes.

MR. KRIEGER: I want the record to note that she's present.

MS. GANN: Tell us why you're here this evening.

MR. GUMBS: I came here trying to see if the approval was granted because I had a preliminary.

MS. GANN: Tell us what it is again, we have to go through this all over again.

MR. GUMBS: She's a single mother of two teenagers and the existing house is just a two bedroom so she's trying to get a third bedroom in order to accommodate her family.

MR. TORPEY: So you're closing in the deck to make another bedroom?

MR. GUMBS: Deck will be removed and add on an enclosed part, the deck's enclosed but more room on the back for a master bedroom.

MS. GANN: Is this addition including a kitchen?

MR. GUMBS: No, just a bathroom and bedroom and the deck is going to be like mud room or computer room or something.

MS. GANN: Will you be taking down any substantial vegetation in the building of the addition?

MR. GUMBS: There's nothing to be taken down.

MS. GANN: Creating any water hazards?

MR. GUMBS: No, the land is flat in the back.

MS. GANN: Does it go over any easements?

MR. GUMBS: No, I think we have an application, I think we got a variance for the easement because there's an easement on the right-hand side because of the driveway I think he was supposed to put in the required information.

MR. KRIEGER: There's an existing easement on the right-hand side?

MR. GUMBS: Yes.

MR. KRIEGER: That's the easement for water, sewer?

MR. GUMBS: No, actually, her property line is beyond, her garage is beyond the neighbor's property.

MR. BABCOCK: There's an easement, they have a four foot easement on their property and the neighbor has a four foot easement on their property for joint use of egress, that's it.

MR. KRIEGER: Now, when the chairman asked about easements she was particularly concerned about the water, sewer, electric, that sort of thing.

MR. GUMBS: No.

MR. KRIEGER: This wouldn't interfere with that.

MR. GUMBS: No.

MR. KRIEGER: Won't have any, if it's granted, won't have any affect on the, what you're talking about?

MR. GUMBS: Right.

MR. KRIEGER: Remains as is?

MR. GUMBS: Right.

MS. GANN: What's the total square footage?

MR. BABCOCK: According to the survey it's 477 square feet.

MS. LOCEY: What's 477 square feet?

MR. BABCOCK: The addition is 477.

MS. GANN: So it will be a bedroom?

MR. GUMBS: A bathroom and enclosing the existing deck.

MS. GANN: Any other questions from the board?

MR. LUNDSTROM: Just one, Madam Chairwoman, with this



addition, is it still, that house will still be in keeping with the character of the neighborhood?

MR. GUMBS: Right.

MR. LUNDSTROM: It's not overly large or anything?

MR. GUMBS: No, it's not going to be large, like I said, the only, it's just enclosing, extending the back and enclosing it, we're not making it any wider or anything and it's going to be pretty close to construction wise matching the--

MR. LUNDSTROM: The other houses?

MR. GUMBS: Right.

MR. TORPEY: It's only 477 square feet.

MR. GUMBS: The neighbors on the right, they had an addition but unfortunately the house burned down, the house on the right side of it.

MR. LUNDSTROM: So you're saying that with the new addition, the character of the new house will be in keeping with the character of the neighborhood?

MR. GUMBS: Right, it's not really changing much.

MS. GANN: Any other questions? I'd like to again open this to the public, see if there's anyone here for this public hearing. Being as there's no one, I'd like to close the public portion, ask Myra how many mailings we had.

MS. MASON: On November 28, I mailed out 74 addressed envelopes and had no response.

MS. GANN: I'll accept a motion.

December 11, 2006

17

MS. LOCEY: I will offer a motion to grant the requested variances on the application of Karen Jeffers as listed on the agenda for the New Windsor Zoning Board of Appeals dated December 11, 2006.

MR. TORPEY: I'll second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MS. GANN	AYE

DENISE\_STRALEY\_-\_VINYL\_TECH\_(FOR\_AILEE\_SOLOMON\_VILDA)\_  
\_\_\_\_\_  
(06-58)  
\_\_\_\_\_

MS. GANN: Request for 7 ft. rear yard setback for proposed 13' x 11' attached sun room at 2202 Revers Run.

Mr. Howard Klein appeared before the board for this proposal.

MR. KLEIN: We're proposing to build a 13 x 11 sun room on the rear of their home which would require a 7 foot variance, rear yard setback.

MR. LUNDSTROM: Do we have a proxy?

MS. MASON: Yes, we do.

MS. GANN: Will you be taking down any substantial vegetation for the new sun room, will that cause any problems in terms of vegetation?

MR. KLEIN: Not at all.

MS. GANN: What about the trees, will they be coming out?

MR. KLEIN: No.

MR. VILDA: I'm Mr. Vilda, no, the trees won't be coming down.

MS. GANN: Will you be creating water hazards in the building of new sun room?

MR. KLEIN: No.

MS. GANN: Will it be going over any easements?

MR. KLEIN: No.

MS. GANN: It's going to take the place of what's currently there?

MR. KLEIN: Correct.

MS. GANN: And the slider will be the entryway into the sun room?

MR. KLEIN: Yes.

MS. GANN: Any other questions from the board?

MS. LOCEY: Is this on a corner lot?

MR. BABCOCK: Yes.

MS. LOCEY: But this is still considered the back of the house, I mean, I know it's the rear side of the house but with the road on two sides, I didn't know.

MR. BABCOCK: That's correct.

MR. LUNDSTROM: Just a question for counsel, do we need to establish if there were no deck or steps there that that would be a hazard, people would walk out, actually fall out of the house?

MR. KRIEGER: That's probably a good idea.

MS. GANN: Any other questions?

MR. KRIEGER: If there were no deck, a person exiting the sliding doors would likely fall and sustain serious physical injury, is that correct?

MR. KLEIN: That's correct.

MR. KRIEGER: So something needs to be there?

MR. KLEIN: Correct.

MR. LUNDSTROM: We just need that on record, that's all.

MS. GANN: If there's nothing else, again, I want to open it up to the public, if there's anyone here for this meeting? Seeing as there's not, I'd like to close the public portion and ask Myra how many mailings we had.

MS. MASON: On November 28, I mailed out 35 addressed envelopes and had no response.

MS. GANN: I'll accept a motion.

MS. LOCEY: I will offer a motion to grant the requested variances on the application of Denise Straley, Vinyl Tech, for a 7 foot rear yard setback for a proposed 13 x 11 attached sun room at 2202 Reverses Run in an R-3 zone.

MR. LUNDSTROM: I'll second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MS. GANN	AYE

LANDMASTER\_HARP,\_LLC\_(COVINGTON\_ESTATES)\_(06-56)

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Mr. Ross Winglovitz appeared before the board for this proposal.

MS. GANN: Request for dwelling units, 10 ft. side yard setback, 10 ft. rear yard setback, 8.5 maximum building height. Sign, 2.5 square foot height, 136.75 square foot area all at proposed Covington Estates on Route 300.

MR. WINGLOVITZ: Good evening, I'm Ross Winglovitz with Engineering Properties representing Landmaster Harp, LLC regarding Covington Estates. When we were last before the board in late September, I believe for our pre-application conference regarding several variances, one is a renewal or reapproval for a height variance that we received last July of 2005, we're requesting a height variance of 8.5 feet for interior units because these units are set into the hill. There will be two stories on the uphill sides, three stories on the downhill side. In this case, the downhill side faces the street which is the language that creates the need for the variance. We got a variance last July and we ask that the board to reapprove that. We also applied for variances for side and rear yard regarding decks. One of the things waiting for the water moratorium to end I'll be getting into a more detailed design here, we realized that a few of the units were going to need variances for decks, actually, there was a bunch more but we were able to move all the buildings in with the exception of building 20 and building 4 and a few little ones here or there. Those buildings will require variances for the decks cause they will be in the required yard, the one building 4 required yard is 100 feet, which is pretty significant. The decks will only be ten feet into that, we'll be approximately 90 feet from the property line and the other location was actually a large railroad right-of-way, this abuts our property so those decks will also be over 90 feet to

the nearest residential property. So it's a pretty significant setback that will still remain. In addition to that we applied also for a sign variance. The builder of this project and they are proposing a sign that would be in the median island as you come into the project, there was a copy of the sign that was submitted, this is pretty standard, they try to use this where they can, I kind of think of it more as a landscaping feature than a sign but once they erect it they will basically put brass letters on the sign stucco in green to match the buildings or whatever the buildings colors would be and then brass letters identifying Covington Estates that would be on the sign. And that's it.

MR. TORPEY: Can you repeat the whole thing one more time?

MR. BABCOCK: This project has received final approval subject to the moratorium being lifted from the planning board so they're ready to go, just they've got to wait for this moratorium and that's the time for the, for the height variance and during the process they didn't show decks I don't think on the first plan. When we seen it and once the deck's come on then we seen it and they moved all the buildings as much as they could except for the ones that you, that they talked about tonight.

MR. KRIEGER: Were the decks on when they got their approval from the planning board?

MR. WINGLOVITZ: Yeah, I think they were identified as decks or patios, then once we went through the more detail design we realized that some of the ones that are going to be in the setback will be decks and in those instances therefore would require a variance. If it was a patio, it wouldn't, if it was a deck, it was as we got into the details we realized where the change came into the variance.

MR. LUNDSTROM: Ross, did you say that building number 4 and number 20 were the only ones that--

MR. WINGLOVITZ: Yes, those are the larger ones. If you look along like building 91, it's not building but it's the address, street address, there's a couple feet, we jogged those where we could, we needed to maintain enough room from the front of the garage to the sidewalk, we wanted to have plenty of room for someone to park so there's plenty of room for the decks. And I think building 65 that deck goes two feet into the buffer.

MR. BABCOCK: If they move them forward anymore the cars are going to be sticking out in the road.

MR. WINGLOVITZ: It's all along the railroad right-of-way so it's not abutting any residential properties.

MR. KRIEGER: Are all the proposed decks approximately the same size?

MR. WINGLOVITZ: Yes.

MS. GANN: What's the size?

MR. WINGLOVITZ: Want to keep uniformity so they all look the same size, 10 x 10 or 12 x 12, I'm sorry, 10 feet from the building, 12 foot wide.

MR. BABCOCK: Not a big deck.

MR. KRIEGER: Now with these additions, none of these units will be impinging on any easements, is that correct?

MR. WINGLOVITZ: Correct.



MR. KRIEGER: They won't divert the flow of water drainage or create collection of water?

MR. WINGLOVITZ: Correct, plan has been designed to take that into consideration.

MR. KRIEGER: Will these additions if they're permitted these variances require the removal of trees or other substantial vegetation more so than the--

MR. WINGLOVITZ: No.

MR. KRIEGER: Now this sign will not be located in anyplace that would interfere with the safe operation of motor vehicles on the adjacent roadways?

MR. WINGLOVITZ: No, it will not, it's set back 25 feet from the roadway so a car will be able to pull, pass the sign to see both ways.

MR. KRIEGER: If it were not for the facade around the sign we're dealing strictly with the sign area would it still require a variance?

MR. WINGLOVITZ: I'd have to look at that.

MR. KRIEGER: I understand, if I understand correctly it's the town's position that the entire structure is used for measurement purposes?

MR. BABCOCK: It still would require a variance but much less of a variance.

MR. WINGLOVITZ: That's a true statement.

MR. TORPEY: How much longer is the moratorium?

MR. BABCOCK: We hope very shortly, they hope shorter than that.

MR. TORPEY: He'll be back.

MR. BABCOCK: No, I mean, I don't know that for a fact but what I understand it's real close, very close.

MR. LUNDSTROM: If this board were to grant approval for this, how long would the approval last if he did not start construction?

MR. BABCOCK: It's one year.

MR. LUNDSTROM: So you feel comfortable that within a year moratorium should be lifted?

MR. BABCOCK: Yeah, I understand we're close but I don't know what that means.

MR. KRIEGER: Yes, he thinks so but there are no guarantees or warrantees.

MR. BABCOCK: Worst case scenario they'd have to come back here for the same variances again.

MR. WINGLOVITZ: I like to see you guys so that wouldn't be a bad thing.

MS. GANN: Mike, you think we covered everything?

MR. BABCOCK: Yes.

MS. GANN: Any other questions from the board? Is anyone here for this public hearing? Being as there is not, I'll close the public portion, ask Myra how many mailings.

MS. MASON: On November 28, I mailed out 84 envelopes and had no response.

MS. GANN: I'll accept a motion.

MR. LUNDSTROM: Madam Chair, before we do that, ask counsel do we need two motions or will one suffice because there are two items on the agenda?

MR. KRIEGER: No, you can make one motion if the variances as requested be granted. If that motion is denied, you would then have to do two separate motions.

MR. LUNDSTROM: With that in mind, I will make a motion that the variances requested be granted for Covington Estates project number 06-52 request for a 10 foot side yard setback, 10 foot rear yard setback, 8.5 foot maximum building height for the dwelling units and sign of 2.5 square foot height and 136.75 square foot area.

MS. GANN: You said 06-52, it's 06-56.

MR. LUNDSTROM: I stand corrected, thank you.

MR. TORPEY: I'll second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MS. GANN	AYE

ROSEMARY\_QUERCIA\_(06-59)

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Ms. Rosemary Quercia appeared before the board for this proposal.

MS. GANN: Request for an interpretation and/or use variance for a single family home with two kitchens at 758 Blooming Grove Turnpike.

MS. QUERCIA: My name is Rosemary Quercia, I live at 758 Blooming Grove Turnpike in New Windsor and I'm just here to ask for a variance to make my house a single family with two kitchens.

MR. LUNDSTROM: What's the house currently being used as?

MS. QUERCIA: It's just me and my mother, it's an existing kitchen that's downstairs that my grandparents used to live in and then they passed on so we don't even use it, it's just there.

MR. LUNDSTROM: You're looking to change it from a two family to a single family?

MS. QUERCIA: Yeah, exactly.

MR. KRIEGER: There's now a single family living in the house?

MS. QUERCIA: Yeah, just me or my mother, we don't rent out.

MR. KRIEGER: Even if this variance were granted, it would still be a single family, will always be marketed as a single familiar in the neighborhood of single-family houses?

MS. QUERCIA: Yes.

MR. KRIEGER: Just happens to be a single family with two kitchens.

MS. QUERCIA: Yes.

MR. KRIEGER: There would be no separate access to anybody seeking to use it as an apartment?

MS. QUERCIA: No, I don't plan on it, no.

MR. KRIEGER: Well, understand that the reason that it is asked is if this board grants your request, you're still going to have a single family.

MS. QUERCIA: Yes.

MR. KRIEGER: When you market it, it's going to have to be marketed as single family and so if you were to use it in a two family manner that would be illegal.

MS. QUERCIA: Yes.

MS. GANN: Any other questions from the board? I'll open up the public hearing, if there's anyone else for this hearing? Being as there's not, I'm going to close the public hearing and ask Myra how many mailings.

MS. MASON: On November 28, I mailed out 29 addressed envelopes and had no response.

MS. GANN: I'll accept a motion.

MS. LOCEY: I will offer a motion to grant the application by Rosemary Quercia for her request for an interpretation as a residence at 758 Blooming Grove Turnpike as a single-family home with two kitchens.

MR. BABCOCK: Are we doing, she asked for a variance, what I think she should be asking for is an interpretation.

December 11, 2006

29

MR. KRIEGER: The motion was to grant an interpretation so she doesn't get to, if it's granted she doesn't reach the variance.

MR. LUNDSTROM: Second it.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MS. GANN	AYE

DISCUSSION

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ADOPT\_MEETING\_SCHEDULE\_FOR\_2007

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MS. GANN: Everyone get a copy of the meeting schedule for next year?

MR. LUNDSTROM: I will offer a motion.

MS. GANN: Can I have a motion that we accept the meeting schedule?

MR. LUNDSTROM: So moved.

MS. LOCEY: I'll second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MS. GANN	AYE

MS. GANN: Motion to adjourn?

MS. LOCEY: So moved.

MR. LUNDSTROM: Second it.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE

December 11, 2006

31

MS. GANN

AYE

Respectfully Submitted By:

Frances Roth  
Stenographer